IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.105 OF 2007
IN
CRIMINAL APPEAL NO.411 OF 2006

Manoj Asha Kale ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Ms.Anjali Patil for applicant.

Ms.S.V.Gajre, A.P.P. for respondent.

CORAM : J.H.BHATIA, J.

DATED : 15TH MARCH, 2007.

P.C. :-

Heard Ms. Anjali Patil, learned counsel for the applicant and Ms.Gajre, learned A.P.P. for the State. Perused the relevant record.

2. Applicant, who was accused No.1 in Sessions Case No.462/02, was convicted for the offences punishable under section 120B, 307, 395 r/w 397 of the I.P.C. and was sentenced to undergo R.I. for 7 years and to pay fine of Rs.1,000/- on each count. Other accused were also convicted along with the applicant. The present applicant and his brother Vinod have preferred an appeal challenging the conviction and sentence. That appeal is admitted. By this

application, the applicant seeks to be released on bail pending final hearing and disposal of the appeal.

3. The record reveals that there was no direct evidence against the present applicant nor he was identified during the test identification parade nor there was any recovery of any incriminating article from him. Two other accused namely Vijay and Dinesh, who were accused Nos.5 & 6 and who were identified during the T.I. parade, have been granted bail by this Court as per order dated 12th December, 2006. The present applicant was on bail during the trial. In these circumstances, I find that the applicant deserves to be granted bail pending the appeal.

4. Pending the appeal, applicant be released on bail on the same terms and conditions as before the trial Court subject to executing fresh bail bond and depositing the amount of fine.

(J..H.BHATIA, J.)